

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

In Re: STONY POINT LAND, INC.

**Case No. 10-31740-KRH
Chapter 11**

SIMONS HAULING COMPANY, INC.

Plaintiff,

v.

Adv. Proc. No. 10-_____

STONY POINT LAND, INC.

**[Case No. CL09000696-00 in the Circuit Court
for Richmond City]**

Defendant.

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1452(a), and in accordance with Rule 9027 of the Federal Rules of Bankruptcy Procedure, notice is hereby given that Debtor Stony Point Land, Inc. ("Stony Point"), by counsel, hereby removes certain Claims (as "Claims" is later defined herein) contained in the above-captioned action to the Richmond Division of the United States Bankruptcy Court for the Eastern District of Virginia from the Circuit Court of Richmond City, Virginia. In support of the removal, Stony Point states as follows:

1. On or about February 13, 2009, Simons Hauling Company, Inc. ("Simons Hauling") commenced a civil action against Stony Point in the Circuit Court of Richmond City, Virginia, Case No. CL09000696-00 (the "Civil Action"). On or about March 16, 2009, Stony Point filed an Answer and Counterclaim to Simons Hauling's Complaint, and alleged breach of contract by

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Simons Hauling (the “Counterclaim” together with the Civil Action, the “Claims”).

3. On or about March 12, 2010, Stony Point filed a voluntary petition for relief under Chapter 11 of the Bankruptcy Code in the United States Bankruptcy Court for the Eastern of Virginia, Richmond Division, Case No. 10-31740-KRH (the "Bankruptcy Case"). The Bankruptcy Case remains pending at this time.

4. The Civil Action asserts a claim by Simons Hauling for breach of contract and a claim for enforcement of, and request for payment of, a mechanic’s lien (which has been released by the posting of a cash bond). The Counterclaim of Stony Point alleges a breach of contract, and Stony Point is seeking damages in excess of \$375,000.00

5. The Civil Action arises generally out of work by Simons Hauling as a subcontractor to Stony Point on a construction project.

6. This Court has jurisdiction over the Claims pursuant to 28 U.S.C. § 1334(b) and 28 U.S.C. § 1452.

7. Upon removal, this proceeding is a core matter pursuant to 28 U.S.C. § 157(2)(B) and (C).

8. Under 28 U.S.C. § 1452(a), a party may remove a claim or cause of action to the bankruptcy court for the district where such civil action is pending if such court has jurisdiction of such claim or cause of action under 28 U.S.C. § 1334.

9. This Notice is filed within the time prescribed by Rule 9027(a) of the Federal Rules of Bankruptcy Procedure.

10. Pursuant to Rule 9027(a) of the Federal Rules of Bankruptcy Procedure, Stony Point submits copies of the pleadings filed in the Civil Action.

NOW, THEREFORE, all parties to the Civil Action are HEREBY NOTIFIED that Stony

Point gives notice of the removal of the Claims against it to the Richmond Division of the United States Bankruptcy Court for the Eastern District of Virginia from the Circuit Court of the City of Richmond, Virginia, pursuant to 28 U.S.C. § 1452(a) and Rule 9027(a) of the Federal Rules of Bankruptcy Procedure; and that removal of the Claims will be effected upon the filing of this Notice of Removal with the Clerk of the Circuit Court of Richmond City, Virginia.

Dated: June 9, 2010

MERCERTRIGIANI

/s/ Philip C. Baxa
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Counsel for Stony Point Land, Inc.

CERTIFICATE OF SERVICE

I hereby certify on this 9th day of June, 2010, a true copy of the Notice on was delivered by electronic means and/or mailed first class mail, postage fully prepaid (without exhibits), addressed to the parties listed on the attached service list.

/s/ Philip C. Baxa

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SERVICE LIST

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LIST OF EXHIBITS

Complaint	Exhibit 1
Defendant's Answer and Counterclaim in Response to Plaintiff's Complaint	Exhibit 2
Plaintiff's Answer to Defendant's Counterclaim	Exhibit 3
Notice of Bankruptcy	Exhibit 4

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